

AN ORDINANCE

98512

CLOSING, VACATING AND ABANDONING AN APPROXIMATELY 1.881-ACRE IMPROVED PORTION OF PUBLIC RIGHT OF WAY KNOWN AS DEZAVALA ROAD, LOCATED BETWEEN SKY HAWK DRIVE AND SOUTH HAUSMAN ROAD, ADJACENT TO NCBS 14614 AND 14615, AS REQUESTED BY THE ABUTTING PROPERTY OWNER, THE NORTHSIDE INDEPENDENT SCHOOL DISTRICT, FOR THE TOTAL CONSIDERATION OF \$20,569.00.

* * * * *

WHEREAS, Northside Independent School District, as "Petitioner", has requested that the City of San Antonio close, vacate, and abandon an approximately 1.881 acre improved portion of public right of way known as De Zavala Road located between Sky Hawk Drive and S. Hausman Road ("Subject Property"); and

WHEREAS, the City Planning Commission considered this request at its regular meeting of November 26, 2003, and, following a public hearing has recommended to the City Council approval of such request; and the City Council, following a public hearing on December 4, 2003, approved the request to close, vacate, and abandon the Subject Property; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The approximately 1.881 acre improved portion of public right of way known as De Zavala Road, located between Sky Hawk Drive and S. Hausman in San Antonio, Bexar County, Texas, adjacent to New City Blocks 14614 and 14615 is hereby closed, vacated and abandoned as a public street right of way of the City of San Antonio, as requested by Northside Independent School District., the abutting property owner ("Petitioner"). The legal description and a copy of the survey for the property, are attached hereto as **Exhibit "A"** and incorporated herein verbatim for all purposes.

SECTION 2. The City acknowledges receipt of the amount of \$20,569.00 from Petitioner as consideration for such closing, vacating and abandoning of the above-mentioned property; however, such closing, vacation, and abandonment are contingent on compliance with the conditions set forth in a Letter of Agreement, a copy of which, signed by the Petitioner, is attached hereto as **Exhibit "B"** and incorporated herein verbatim for all purposes.

SECTION 3. The City Manager or her designee is hereby authorized to execute any legal instruments necessary to effectuate such closing, vacating and abandoning of the property, after review and approval by the City Attorney.

SECTION 4. The \$20,569.00 in proceeds to be collected from the Petitioner for the closing, vacating and abandonment of this property shall be deposited in Fund 29-0008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled "Sale of Land".

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This Ordinance shall be effective on December 14 , 2003.

PASSED AND APPROVED this the 4th day of December, 2003.




M A Y O R
EDWARD D. GARZA

ATTEST:

Mary Lou Rodriguez
for City Clerk

APPROVED AS TO FORM:


for City Attorney